

REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the subject application. The Non-Final Office Action of November 25, 2003, has been received and its contents carefully noted. Claims 1-10 are currently pending in the application. By this amendment, claims 1-10 have been amended and the specification has been amended to place the application in a better format consistent with U.S. practice. Support for the claim amendments is provided in at least Figures 1-3 and related text of the specification, for example, at pages 2 to 3 of the specification. No new matter has been added. Support for the specification amendment is discussed below. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Restriction Requirement

Applicant thanks the Examiner for the removal of the restriction requirement.

Specification Objection and Rejection Under 35 U.S.C. § 112, first paragraph

In the Office Action, the specification was objected to under 35 U.S.C. § 112, first paragraph, as allegedly not providing support for claim 4. Claim 4 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly not providing support for tabs being simultaneously punched. Applicant respectfully traverses the objection and rejection for at least the following reasons.

The Examiner merely asserts that the “tabs are simultaneously punched without support in the specification.” (Office Action at 2). Applicant respectfully submits that the Examiner has

not set out a *prima facie* case of lack of support and the feature of claim 4 is readily apparent from reading the specification and originally filed claims. *See* MPEP § 2163 II.A. at pg. 2100-163 (Rev. 1, Feb. 2003). For example and illustration purposes, originally filed claim 4, explicitly recites “the tabs are simultaneously punched” which provides adequate evidence of possession of simultaneously punching the tabs. This application is directed to relatively straightforward, mechanical subject matter. One of ordinary skill in the art would readily conclude that Applicant possessed simultaneously punching the tabs at the time the application was filed from the disclosure of claim 4. Accordingly, Applicant has amended the specification to provide the requisite support for claim 4. *See* MPEP § 2163.06 at pp. 2100-176-77 (“The claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter.”) (Rev. 1, Feb. 2003).

Accordingly, Applicant respectfully requests withdrawal of the objection and rejection as claim 4 is in full compliance with 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 5-7, and 9-10 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 518,767 issued to Plecker. Claims 1, 3, 5-7, and 9-10 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 3,824,757 issued to Coop. The claims have been amended to more particularly define the invention and clearly distinguish the prior art relied upon in the Office Action. In particular, Applicant has

amended claim 1 to clarify that the tube is formed into the sheet prior to the punching and folding steps by specifying that the tabs are defined by “punching the inner overlap portion and outer overlap portion of the tube.”

Claim 1 as amended, recites a combination of elements including, for example:

forming the elongate sheet into a tube such that the lateral edges of the sheet overlap to define an overlap region having an inner overlap portion and an outer overlap portion;

punching the inner overlap portion and outer overlap portion of the tube to define a tab in each

Plecker and Coop fail to teach at least these features. Plecker and Coop are directed towards forming tabs in a sheet prior to forming the tube. For example, Plecker discloses in column 2 and Fig. 2 a pipe blank in plan (e.g., not formed in a tube) after the tongues have been formed in its edges. Coop discloses forming slits into a sheet before portions 21 and 22, legs 29 and 30 are fitted in slits 23 and 24. *See e.g.*, col. 3, lines 28-31. Thus, neither reference teaches “forming the elongate sheet in a tube . . . punching the inner overlap portion and outer overlap portion to define a tab” as required by claim 1.

Accordingly, Applicant respectfully submits that claim 1 and claims 2-6, which depend from claim 1, distinguish over the cited art. Since none of the other prior art references of record disclose or suggest the combination of features set forth by these claims, it is respectfully submitted that claims 1-6 are allowable.

Claim 7 as amended, recites a combination of elements including, for example:

a tab defined in the inner overlapping portion and a tab defined in the outer overlapping portion, each tab including a fold portion and a free end extending away from the fold portion, said tabs being aligned such that the tab defined in the inner overlapping portion lies directly beneath the tab defined in the outer overlapping portion

Plecker and Cooper also fail to teach at least these features. Plecker discloses in column 2, line 97 to column 3, line 9, the following:

[T]he tongue b enters the aperture a' and the tongue a at the same time enters the aperture b', the bases of the tongues a b abutting against each other. Then by means of roller or equivalent crushing or hammering devices, the tongues a b are forced into the plane of the edges B A respectively. Tongue b engaging with the metal a² of the edge A compresses the metal into the aperture b', and at the same time tongue a compresses the metal b² of the edge B into the aperture a'.

However, Plecker does not teach or suggest, for example, bending the tabs about a fold axis so the tabs are "aligned such that the tab defined in the inner overlapping portion lies directly beneath the tab defined in the outer overlapping portion" as required by claim 7. Rather, Plecker utilizes separate fold axes for the outer and inner overlapping portions as the tabs are formed in the sheet prior to forming the tube.

Coop discloses at column 3, lines 27-43, the following:

[I]n FIG. 5, the junction is crimped, thereby bending legs 25, 26, 29 and 30 to sandwich leg 29 between leg 25 and the upper surface 31 of portion 32 of sheet metal portion 21 adjacent slit 23, to sandwich leg 30 between leg 26 and the upper surface 31 of portion 33 of sheet metal portion 21 adjacent slit 24 of portion 33 of sheet metal portion 21 adjacent slit 24, to sandwich portion 32 in slit 27 between leg 29 and portion 34 of sheet metal portion 22, and to sandwich portion 33 of portion 21 between leg 30 and portion 35 of sheet metal portion 22.

Coop does not teach or suggest, for example, bending the tabs about a fold axis so the tabs are "aligned such that the tab defined in the inner overlapping portion lies directly beneath the tab defined in the outer overlapping portion" as required by claim 7. Coop utilizes slits and other portions as disclosed above. Additionally, Coop does not teach "the inner overlapping portion and outer overlapping portion are fixed together, wherein the tab reduces in dimension parallel to

the fold axis between the fold portion and free end” as required by claim 7. Rather, Coop discloses using a slit aperture connection mechanism that does not reduce in dimension.

Accordingly, Applicant respectfully submits that claim 7 and claims 8-10, which depend from claim 7, distinguish over the cited art. Since none of the other prior art references of record disclose or suggest the combination of features set forth by these claims, it is respectfully submitted that claims 7-10 are allowable.

CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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